

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Camille Bonesse,

Plaintiff,

v.

Southwest Credit Systems, L.P.,

Defendant.

Civil Action No.: 4:14-cv-00100-RAS

JOINT RULE 26(f) CONFERENCE REPORT

Pursuant to the Court's March 21, 2014, Order, counsel for the parties to this lawsuit conferred by telephone and discussed the matters set forth in the Court's order. The following is the parties' Report of Rule 26(f) Planning Meeting with proposed scheduling order attached for the Court's information and consideration.

1. A factual and legal description of the case which also sets forth the elements of each cause of action and each defense;

Plaintiff alleges that Defendant violated the Telephone Consumer Protection Act (the "TCPA"), 47 U.S.C. § 227(b)(1)(A)(3), by placing automated calls to Plaintiff's cellular telephone number without his express consent.

Defendant denies Plaintiff's allegations. Plaintiff has failed to state a claim upon which relief may be granted. Any violation if it occurred was the result of a bona fide error. Plaintiff's damages if any are the result of the actions of third parties over whom this Defendant has no control. Plaintiff's damages if any are the result of a preexisting condition. Plaintiff has failed to mitigate damages if any. Plaintiff proximately caused his own damages, if any.

- 2. The date the Rule 26(f) conference was held, the names of those persons who were in attendance and the parties they represented.**

Pursuant to Rule 26(f), a conference was held via telephone on May 1, 2014 and was attended by Jody B. Burton for Plaintiff and Robbie Malone for Defendant.

- 3. A list of any cases that are related to this case and that are pending in any state or federal court with the case numbers and court along with an explanation of the status of those cases;**

None.

- 4. An agreed discovery/case management plan, if agreement can be reached, which will be used by the Court to prepare a Scheduling Order (a sample Scheduling Order form is enclosed which must be used by the parties; the Scheduling Order shall be filed as an attachment to the joint conference report), and which included deadlines for the following:**

- a. Joining additional parties; June 19, 2014**

- b. Filing amended pleadings; June 19, 2014**

- c. Filing any motions to transfer, to remand, to dismiss, for summary judgment, or other dispositive motions; December 5, 2014**

- d. Disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) and Local Rule 26(b); Plaintiff-September 19, 2014; Defendant-October 19, 2014**

- e. Filing any objections or challenged to any other party's experts; November 19, 2014**

- f. Pretrial disclosures pursuant to Fed. R. Civ. P. 26(a)(3); Plaintiff-March 1, 2015; Defendant-March 15, 2015 and**

- g. Completion of all discovery; November 5, 2014.**

- 5. A suggested date for the Final Pretrial Conference (see enclosed list of the Court's available Final Pretrial Conference dates) at which time the trial will be scheduled;**

May 1, 2015.

- 6. The expected length of trial;**

The parties anticipate trial will take two (2) days to complete.

- 7. Whether the parties jointly agree to trial before a magistrate judge (the parties should seriously consider this option give that the District Judge is now setting jury trials approximately 11 months out from the date of the final pretrial);**

The parties do not agree to trial before a magistrate judge.

- 8. Whether a jury demand has been made; and**

Plaintiff timely demanded a jury trial.

- 9. Whether any party requests a scheduling conference with the Court.**

The parties do not require a scheduling conference with the Court at this time.

DATED: May 16, 2014

Respectfully submitted,

/s/ Jody B. Burton

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on May 16, 2014, a true and correct copy of the foregoing Rule 26(f) Conference Report was filed with the Clerk of Court for the United States District Court for the Eastern District of Texas using the CM/ECF system, which sent notice of such filing to the following parties listed below:

Robbie Malone, Esq.
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Attorney for Defendant

/s/ Jody B. Burton

Jody B. Burton